

ADOPTED

JAN 10 2012

ORDINANCE NO. 31A-262

**BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, BY AMENDING SECTION 24-389, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-390, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-391, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-392, AREA REQUIREMENTS WITH NEW NUMBER 24-391; BY AMENDING AND RENUMBERING SECTION 24-393, SETBACK REQUIREMENTS WITH NEW NUMBER 24-392; BY RENUMBERING AND RENAMING SECTION 24-394, YARD REGULATIONS WITH NEW NUMBER AND NAME 24-393, YARD REQUIREMENTS; BY AMENDING AND RENUMBERING SECTION 24-395, SPECIAL PROVISIONS FOR THE WAIVER OF YARD REQUIREMENTS WITH NEW NUMBER 24-394; BY RENUMBERING SECTION 24-396, RESERVED WITH NEW NUMBER 24-395; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-397, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-396, HEIGHT OF STRUCTURES; BY AMENDING AND RENUMBERING SECTION 24-398, BUILDING COVERAGE LIMITS WITH NEW NUMBER 24-397; BY RENUMBERING SECTION 24-399, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-398; BY RENUMBERING SECTION 24-400, SITE PLAN REVIEW WITH NEW NUMBER 24-399; BY RENUMBERING AND RENAMING SECTION 24-401, SIDEWALKS WITH NEW NUMBER AND NAME 24-400, PEDESTRIAN ACCOMMODATIONS; BY AMENDING AND RENUMBERING SECTION 24-402, LANDSCAPING WITH NEW NUMBER 24-401; AND BY RESERVING SECTION 24-402.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 10, General

Business District, B-1, by amending Section 24-389, Statement of intent; Section 24-390, Use list; Section 24-391, Area requirements; Section 24-392, Setback requirements; Section 24-393, Yard requirements; Section 24-394, Special provisions for the waiver of yard requirements; Section 24-395, Reserved; Section 24-396. Height of structures; Section 24-397, Building coverage limits; Section 24-398, Sign regulations and parking requirements; Section 24-399, Site plan review; Section 24-400, Pedestrian accommodations; Section 24-401, Landscaping; and Section 24-402, Reserved.

Chapter 24. Zoning

ARTICLE V. DISTRICTS

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-389. Statement of intent.

Generally, the General Business District, B-1, covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy ~~trucking~~ *truck traffic* other than stocking and delivery of light retail goods or by any factors other than occasioned by incidental light and noise *commonly associated with the* of congregation of people and passenger vehicles.

Sec. 24-390. ~~Permitted uses~~ Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions. In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential</i>	<i>An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property</i>	<i>P</i>	
<i>Commercial</i>	<i>Accessory uses and structures, as defined in section 24-2</i>	<i>P</i>	
	<i>Adult day care centers</i>	<i>P</i>	
	<i>Amphitheaters</i>		<i>SUP</i>
	<i>Antique shops</i>	<i>P</i>	
	<i>Arts and crafts, hobby and handicraft shops</i>	<i>P</i>	
	<i>Auction houses</i>	<i>P</i>	
	<i>Bakeries or fish markets</i>	<i>P</i>	
	<i>Banks and other financial institutions</i>	<i>P</i>	
	<i>Barber and beauty shops-salons</i>	<i>P</i>	
	<i>Business, governmental and professional offices</i>	<i>P</i>	
	<i>Campgrounds</i>		<i>SUP</i>
	<i>Catering and meal preparation</i>	<i>P</i>	
	<i>Child day care centers</i>	<i>P</i>	
	<i>Contractor offices with storage of materials and equipment limited to a fully enclosed building</i>	<i>P</i>	
	<i>Convenience stores which sell and dispense fuel in accordance with section 24-38</i>		<i>SUP</i>
	<i>Convention centers</i>		<i>SUP</i>
	<i>Country clubs and golf courses, public or private</i>		<i>SUP</i>
	<i>Drug stores</i>	<i>P</i>	
	<i>Dry cleaners and laundries</i>	<i>P</i>	
	<i>Farmer's markets</i>	<i>P</i>	
	<i>Feed, seed and farm supply stores</i>	<i>P</i>	
	<i>Firearms sales and service</i>	<i>P</i>	
	<i>Firing and shooting ranges, limited to a fully enclosed building</i>		<i>SUP</i>
	<i>Flea markets</i>		<i>SUP</i>
	<i>Funeral homes</i>	<i>P</i>	
	<i>Gift and souvenir stores</i>	<i>P</i>	
	<i>Grocery stores</i>	<i>P</i>	
	<i>Health clubs and exercise clubs, fitness centers</i>	<i>P</i>	
	<i>Heliports and helistops, as an accessory use</i>		<i>SUP</i>
	<i>Hospitals</i>		<i>SUP</i>
<i>Hotels, motels and tourist homes</i>	<i>P</i>		
<i>Houses of worship</i>	<i>P</i>		

<i>Commercial</i>	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	<i>Indoor sport facilities (excluding firing and shooting ranges)</i>	<i>P</i>	
	<i>Indoor theaters</i>	<i>P</i>	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	SUP
	<i>Limousine services (with maintenance limited to a fully enclosed building)</i>	<i>P</i>	
	<i>Lodges, civic clubs, fraternal organizations and service clubs</i>	<i>P</i>	
	<i>Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the development review committee, located within the building setback area landscaping and fencing with a maximum height of 12 feet)</i>	<i>P</i>	
	<i>Machinery sales and service (with storage and repair limited to a fully enclosed building)</i>	<i>P</i>	
	<i>Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38</i>	<i>P</i>	
	<i>Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution</i>	<i>P</i>	
	<i>Medical clinics or offices</i>	<i>P</i>	
	<i>Micro-breweries</i>	<i>P</i>	
	<i>Museums</i>	<i>P</i>	
	<i>New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)</i>	<i>P</i>	
	<i>Nursing homes</i>		<i>SUP</i>
	<i>Off-street parking as required by section 24-53</i>	<i>P</i>	
	Office supply stores	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		<i>SUP</i>
	Outdoor sports facilities, including golf driving ranges, batting cages and skate parks		<i>SUP</i>
	<i>Parking lots, and structures or garages</i>	<i>P</i>	
	Pet stores and pet supply sales	P	
	<i>Photography, artist and sculptor stores and studios</i>	<i>P</i>	

<i>Places of public assembly, including houses of worship and public meeting halls</i>	<i>P</i>	
<i>Plumbing and electrical supply and sales (with storage limited to a fully enclosed building)</i>	<i>P</i>	
<i>Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments</i>	<i>P</i>	
<i>Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement</i>	<i>P</i>	
<i>Public meeting halls</i>	<i>P</i>	
<i>Radio and television stations and accessory antenna or towers and tower mounted wireless communications facilities which are 60 feet or less in height</i>	<i>P</i>	
<i>Research, development and design facilities or laboratories</i>	<i>P</i>	
<i>Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns and micro-breweries</i>	<i>P</i>	
<i>Retail and service stores, including the following stores: alcohol, antiques, appliances, arts and crafts, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, duplicating services, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, gunsmith (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, health and beauty aids, ice cream, jewelry sales and service, locksmith, music and records, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods</i>	<i>P</i>	
<i>Retail food stores, bakeries and fish markets</i>	<i>P</i>	
<i>Security service offices</i>	<i>P</i>	
<i>Taxi service</i>	<i>P</i>	<i>SUP</i>
<i>Theme parks greater than 10 acres in size</i>		<i>SUP</i>
<i>Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with storage and major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing</i>	<i>P</i>	

	<i>Vehicle and trailer sales and services (with major repair limited to a fully enclosed building)</i>	P	<i>SUP</i>
	<i>Vehicle rentals</i>	P	<i>SUP</i>
	<i>Automobile Vehicle service stations; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
	<i>Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash</i>	P	
	<i>Wholesale and warehousing (with storage limited to a fully enclosed building)</i>	P	
<i>Civic</i>	<i>Nonemergency medical transport</i>		<i>SUP</i>
	<i>Fire stations</i>	P	
	Governmental offices	P	
	<i>Libraries</i>	P	
	<i>Post offices</i>	P	
	<i>Schools, public or private</i>		<i>SUP</i>
<i>Utility</i>	<i>Antennas and towers in excess of 60 feet in height</i>		<i>SUP</i>
	<i>Electrical generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more</i>		<i>SUP</i>
	<i>Railroad facilities including tracks, bridges and stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit</i>		<i>SUP</i>
	<i>Telephone exchanges and telephone switching stations</i>	P	
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</i>		<i>SUP</i>
	<i>Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit</i>		<i>SUP</i>

	<i>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</i>	<i>P</i>	
	<i>Water facilities, public or private, and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:</i> <i>(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and</i> <i>(b) Distribution lines and local facilities within a development, including pump stations</i>		<i>SUP</i>
<i>Open</i>	<i>Timbering, in accordance with section 24-43</i>		
<i>Industrial Uses</i>	<i>Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.</i>		<i>SUP</i>
	<i>Publically owned solid waste container facilities</i>		<i>SUP</i>
	<i>Waste disposal facilities</i>		<i>SUP</i>

~~Adult day care centers.~~

~~An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises which is clearly secondary to the commercial use of the property.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

~~Child day care centers.~~

~~Contractor's offices with storage of materials and equipment limited to a fully enclosed building.~~

~~Drug stores.~~

~~Dry cleaners and laundries.~~

~~Farmer's Market.~~

~~Feed, seed and farm supply stores.~~

~~Fire stations.~~

~~Funeral homes.~~

~~Health clubs, exercise clubs, fitness centers.~~

~~Hotels, motels, tourist homes and convention centers.~~

~~Houses of worship.~~

~~Indoor sport facilities (excluding shooting ranges).~~

~~Indoor theaters.~~

~~Libraries.~~

~~Limousine services (with maintenance limited to a fully enclosed building).~~

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the development review committee, located within the building setback area with a maximum height of 12 feet).~~

~~Machinery sales and service (with storage and repair limited to a fully enclosed building).~~

~~Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.~~

~~Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packing or distribution.~~

~~Medical clinics or offices.~~

~~Micro breweries.~~

~~Museums.~~

~~New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).~~

~~Off-street parking as required by section 24-53.~~

~~Parking lots and garages.~~

~~Photography, artist and sculptor studios~~

~~Plumbing and electrical supply (with storage limited to a fully enclosed building).~~

~~Post offices.~~

~~Printing and publishing.~~

~~Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.~~

~~Public meeting halls.~~

~~Radio and television stations and accessory antenna or towers and tower mounted wireless communication facilities, which are 60 feet or less in height.~~

~~Research, development and design facilities or laboratories.~~

~~Restaurants, fast food restaurants, tea rooms and taverns.~~

~~Retail and service stores, including the following stores: antiques, arts and crafts, books, candy, carpet, coin, department, dressmaking, duplicating services, florist, furniture, furrier, garden supply, gift, greeting card, gunsmith (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, office supply, paint, pet, photography, picture framing, plant supply, secretarial services, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~

~~Retail food stores, bakeries and fish markets.~~

~~Schools.~~

~~Security service offices.~~

~~Telephone exchanges and telephone switching stations.~~

~~Timbering in accordance with section 24-43.~~

~~Veterinary hospitals.~~

~~Wholesale and warehousing (with storage limited to a fully enclosed building).~~

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

Sec. 24-391. Uses permitted by special use permit only.

In the B-1, General Business District, buildings to be erected or the land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

~~Antennas and towers in excess of 60 feet in height.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24-38.~~

~~Campgrounds.~~

~~Convenience stores; if fuel is sold, then in accordance with section 24-38.~~

~~Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Flea markets.~~

~~Heliports and helistops, as an accessory use.~~

~~Hospitals.~~

~~Kennels.~~

~~Nonemergency medical transport.~~

~~Nursing homes.~~

~~Outdoor centers of amusement~~

~~Outdoor sport facilities.~~

~~Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.~~

~~Privately or publicly owned solid waste container sites.~~

~~Railroad facilities including tracks, bridges and, stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways and track and safety improvements in existing railroad right of ways, are permitted generally and shall not require a special use permit.~~

~~Taxi service.~~

~~Theme parks of ten acres or more.~~

~~Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).~~

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids.~~

~~However, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).~~

~~Vehicle rentals.~~

~~Waste disposal facilities.~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:~~

- ~~(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and~~
- ~~(b) Distribution lines and local facilities within a development, including pump stations.~~

~~Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.~~

Sec. 24-~~392~~ 391. Area requirements.

No area requirements.

Sec. 24-~~393~~ 392. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the development review committee.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The ~~development review committee~~ *planning director* will consider a setback reduction only if the setback reduction will achieve

results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

(a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.

(b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(c) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (1), the ~~development review committee~~ *planning director* can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (1) above.

(3) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-394 393. Yard ~~regulations~~ requirements.

(a) Buildings shall be located 20 feet or more from side or rear property lines. However, the minimum side yard shall be 50 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be 50 feet

if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

(b) All accessory structures shall be located at least ten feet from any side or rear lot line.

Sec. 24-395 394. Special provisions for the waiver of yard requirements.

The following may be eligible for a waiver from any part of section 24-394:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are both:

(a) Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan *which has been legislatively approved by the board of supervisors.*

In these instances, the ~~planning commission~~ *planning director* may grant, at ~~its~~ *his* discretion, a waiver from any part of section 24-394 upon finding:

(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-394;

(2) Adequate parking is provided as per the requirements of this chapter and, where determined necessary by the *planning* commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas;

(3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter and, where determined necessary by the *planning* commission, adequate easements, or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and

(4) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

(5) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-396 395. Reserved.

Sec. 24-397 396. Height limits and height limitation waivers of structures.

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade, in accord with the following criteria:

(1) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and accessory and non-accessory wireless communications facilities that utilize alternative mounting structures ~~or are building-mounted~~ in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation

waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- a. The regulations of section 24-398 397 regarding building coverage, floor area ratio and open space are met;
- b. Such structure will not obstruct light from adjacent property;
- c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- d. Such structure will not impair property values in the surrounding area;
- e. Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- f. Such structure would not be contrary to the public health, safety or general welfare.

(2) Parapet walls may be up to four feet above the height of the building on which the walls rest.

(3) No accessory structure which is within ten feet of any lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

Sec. 24-398 397. Building coverage limits.

Building coverage shall not exceed ~~25~~ 30 percent of the total lot area and the floor area ratio shall not exceed 60 percent. ~~However, the floor area ratio may be increased to 75 percent if the additional floor area is used to provide indoor parking.~~

Sec. 24-399 398. Sign regulations and parking requirements.

(a) To assure an appearance and condition which is consistent with the purposes of the General Business District, B-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

Sec. 24-400 399. Site plan review.

All buildings or complexes of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with section 24-142.

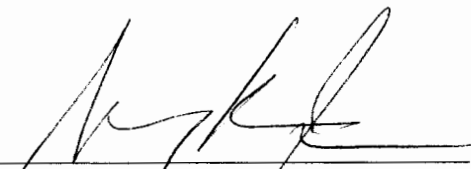
Sec. 24-401 400. Sidewalks Pedestrian accommodations.

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.

Sec. 24-402 401. Landscaping.

~~Landscaping shall be provided as required in article II, division 4. To assure an appearance and condition which is consistent with the purposes of the General Business District, B-1, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.~~

Secs. 24-403 402 - 24-409. Reserved.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. McQuinn
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	NAY
ICENHOUR	AYE
KENNEDY	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of January, 2012.

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